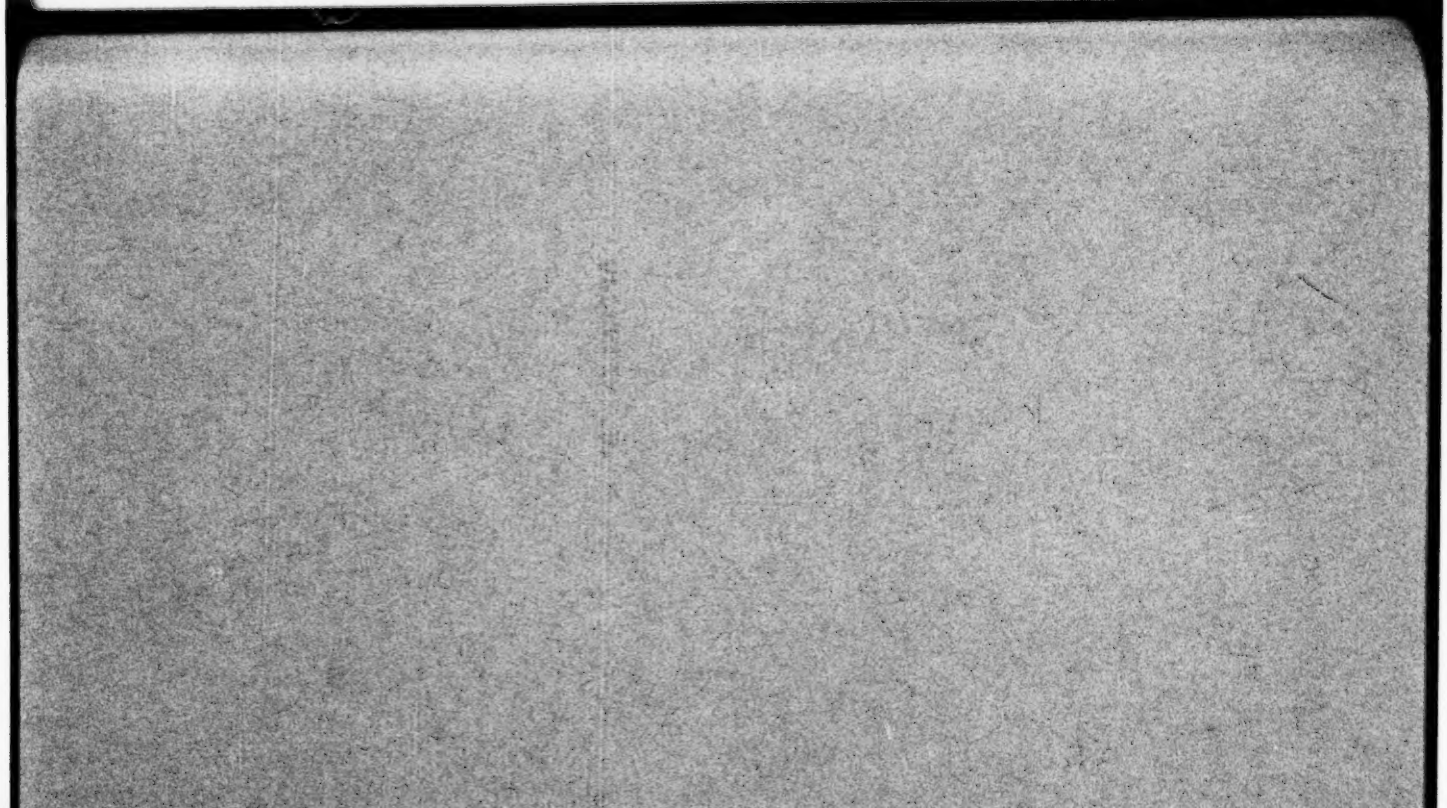


A No, sir.

Q Was that a gift?

A Obviously.

Q And while he was here, did Roberto Baron ask you for a loan?

A He spoke about it, yes.

Q Did he ask you for a loan?

MR. RASKIN: If the Court please, I don't see the relevance. Roberto is not a party to this action. We are not suing for the return of any funds from Roberto, and I don't see what the relevance is.

THE COURT: What is the purpose, Mr. Miller?

MR. MILLER: Your Honor, I want to show that all funds turned over to Mr. Baron's family were gifts from this woman to his family.

THE COURT: Are you making any claim for any of these moneys?

MR. RASKIN: No, sir.

MR. MILLER: As I understood it, your Honor, she claimed that she advanced certain moneys, and this line of questioning

started when I was asking her about the moneys she claimed she advanced that she intended to have repaid. I think the record is clear on that.

THE COURT: She may have intended to have it repaid, but the question is, is she claiming in this proceeding here?

MR. RASKIN: May I shorten the proceeding considerably here, your Honor, because we may go into this thing for days without any result of any kind that's of any importance. What we are claiming presently are the automobiles that he has registered in his name. We are claiming the two stock accounts. One is the margin account that was opened up in his name with the original $25,000. We are claiming the second stock account wherein he used part of the $51,000 to open up a cash account. They are both with Dean Witter and Company. And both in the name of Mr. Anthony Baron. There may be some money in a bank account in Mr. Baron's name. We are claiming that. So far as the moneys are concerned, we don't think that a judgment against him for what is in excess of that would be worth anything. So we are not going to press any.

THE COURT: Anyway, you are not claiming it.

MR. RASKIN: We are not going to press any claims beyond what he has in his possession or under his control. And if the Court please, if we pressed the claim for all the moneys that she says she loaned him, it would be far in excess of these assets, and we are not interested in it.

MR. MILLER: Your Honor--

THE COURT: Wait a minute. To be specific, you are not making any claim for moneys handed over to her husband that in turn was handed over to his relatives in Israel or anywhere else.

MR. RASKIN: Only because he doesn't have assets to cover them, and we will waive the claim as to any excess.

THE COURT: Regardless of the reason, you are not making a claim.

MR. RASKIN: Yes, sir.

THE COURT: Okay.

MR. MILLER: Your Honor, what they are claiming is everything Mr. Baron had, that's for the record. Number two, I feel that I

am being denied my opportunity of cross examination by these constant speeches by counsel about his contentions.

Number one, we are claiming that this woman gave everything to Mr. Baron as a gift, and that what she's telling us now about loans are falsehoods. And I want to go into collateral matters to prove these falsehoods, and how patently--

THE COURT: I have allowed you a lot of discretion in that. But we can't just keep going into it and going into it when it's really not relative.

MR. RASKIN: So I will then make objection as to any further examination along this line of questioning that counsel has been pursuing, upon the ground that it is no longer relevant or material.

MR. MILLER: Your Honor, I am merely trying--

THE COURT: I have ruled on it. Objections are sustained.

MR. MILLER: For the record, may I make an offer of proof, then?

THE COURT: Okay. Make it short.

MR. MILLER: I am not trying to do anything but make an offer here, your Honor. We want to make an offer of proof, and I would try to bring this out by cross examination if I were permitted, your Honor: that the petitioner advanced and gave to the respondent not only all of the items that she testified to after marriage and before marriage thus far, as gifts, but that she had gvien many more items and many other sums of cash to respondent as gifts; and my object in cross-examining the petitioner as to her statements that some of these items, even amounts she doesn't recall at this time, were to be repaid, I intend to go in to show by my cross examination that there was never any agreement to repay any of these sums of money, that there were never even discussions about it, that she doesn't even know any terms of any purported loan or loan agreement for repayment, and to show by my cross examination that her statements couldn't possibly be true.

Now, if I am restricted in just accepting her statements in her answers, that what she gave, the sapphire was a gift and

these other things were loans, and I am not permitted to cross-examine her to get to the truth of the matter, I feel that the Court isn't getting the benefit of the truth in this matter, or an opportunity of hearing our side of the situation. Because I intend to show on our case that all of these matters in fact were gifts, and there was never even one word about repayment, that these are complete fabrications, that were formed in the mind of the petitioner, and related to the respondent as of the time they separated, and that this whole action is not over these sums of money--she couldn't care less about them--but is a means, a vindictive way of carrying out her threats to exhaust all of the respondent's assets. And that was the reason that I wanted to be able to conduct cross examination.

However, if the Court feels that I'd be taking up too much time or it would be irrelevant, then, you know, I don't know what to do about it.

THE COURT: All right. You have been conducting a cross examination along these lines for some time without gaining any advantage whatsoever that I could see. I think it is immaterial and irrelevant, and the offer will be rejected.

COPY BOUND CLOSE IN CENTER

POOR COPY

Order Date
May 14, 1973

ORDER DENYING HEARING

AFTER JUDGMENT BY THE COURT OF APPEAL

2nd District, Division 2, Civil No. 39980

THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

Roth, P.J.
McC

BAROK

v.

BAROK

Appellant's petition

ring DENIED.

FILED

MAY 9 1973

G. E. BISHEL, Clerk

S. F. Deputy

WRIGHT

Chief Justice

I, BISHEL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

MAY 9 1973 day of A.D. 19

Clerk

By Deputy Clerk

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Marvin M. Mitchelson

Suite 825 Gateway East Bldg.

Century City, 90067, Calif

Los Angeles, Cal. APR 2 1973, 19

TITLE { BARON vs. BARON } No. 39980

THE COURT:

PETITION FOR REHEARING DENIED.

CLAY ROBBINS, *Clerk*

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